

Applicant Vaisvila, et al. Patentee _____
 Application No. Patent No. _____
 Filed on Issued on _____
Title: Method For Cloning And Producing The MseI Restriction Endonuclease

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby state that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern New England Biolabs, Inc.

Address of Small Business Concern 32 Tozer Road
Beverly, MA 01915

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

the specification filed herewith, with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)*

Each such person, concern or organization having any rights in the invention is listed below:

No such person, concern, or organization exists.
 Each such person, concern or organization is listed below.

Name New England Biolabs, Inc.

Address 32 Tozer Road
Beverly, MA 01915

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

Name _____

Address _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Gregory D. Williams

Title of Person if Other Than Owner Assistant Clerk

Address of Person Signing 32 Tozer Road
Beverly, MA 01915

SIGNATURE

Date 10/12/02

New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DECLARATION
AND POWER OF ATTORNEY
Original Application

Attorney Docket No. NEB-181

As a below named inventor, I hereby declare that:

My residence, post address and citizenship are as stated below next to my name

I believe that I am the original, first and sole inventor (in only one name is listed at 201 below) or an original, first and joint inventor (if plural names are listed at 201-203 below) of the subject matter which is claimed and which a patent is sought on the invention entitled:

Method For Cloning And Producing The MseI Restriction Endonuclease

which is described and claimed in:

the attached specification or the specification in Application Serial No. _____ filed _____
(for declaration not accompanying application)
And was amended on _____
/ if applicable

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendments referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN APPLICATION(S) IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION			
COUNTRY	APPLICATION	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES NO
			YES NO
ALL FOREIGN APPLICATION(S) IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THE FILING DATE OF THIS APPLICATION			
COUNTRY	APPLICATION	(day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
π			

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)

DECLARATION
AND POWER OF ATTORNEY
PAGE 2 OF 3

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Gregory D. Williams
(Registration No. 30901)

SEND CORRESPONDENCE TO:

Gregory D. Williams
General Counsel
New England Biolabs, Inc.
32 Tozer Road
Beverly, MA 01915

DIRECT TELEPHONE CALLS TO:

Gregory D. Williams
General Counsel
New England Biolabs, Inc.
Tele: (978) 927-5054; Ext. 292
Fax: (978) 927-1705

2	Full Name of Inventor	Last Name Vaisvila	First Name Romualdas	Middle Name
0	Residence & Citizenship	City Rockport	State/Foreign Country Massachusetts	Citizenship Lithuania
1	Post Office Address	Post Office Address 507 Sandy Bay Terrace	City/State/Country Rockport, MA	Zip Code 01966
2	Full Name of Inventor	Last Name Morgan	First Name Richard	Middle Name D.
0	Residence & Citizenship	City Middleton	State/Foreign Country Massachusetts	Citizenship US
2	Post Office Address	Post Office Address 31 Donovan's Way	City/State/Country Middleton, MA	Zip Code 01949
2	Full Name of Inventor	Last Name Kucera	First Name Rebecca	Middle Name B.
0	Residence & Citizenship	City Hamilton	State/Foreign Country Massachusetts	Citizenship US
3	Post Office Address	Post Office Address 160 Woodland Meadow	City/State/Country Hamilton, MA	Zip Code 01682
2	Full Name of Inventor	Last Name Claus	First Name Toby	Middle Name E.
0	Residence & Citizenship	City Beverly	State/Foreign Country Massachusetts	Citizenship US
4	Post Office Address	Post Office Address 29 Arlington Avenue	City/State/Country Beverly, MA	Zip Code 01915
2	Full Name of Inventor	Last Name Raleigh	First Name Elisabeth	Middle Name A.
0	Residence & Citizenship	City Somerville	State/Foreign Country Massachusetts	Citizenship US
5	Post Office Address	Post Office Address 32 Barton Street	City/State/Country Somerville, MA	Zip Code 02144

DECLARATION
AND POWER OF ATTORNEY
PAGE 3 OF 3

2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
6	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
7	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
8	Post Office Address	Post Office Address	City/State/Country	Zip Code
2	Full Name of Inventor	Last Name	First Name	Middle Name
0	Residence & Citizenship	City	State/Foreign Country	Citizenship
9	Post Office Address	Post Office Address	City/State/Country	Zip Code

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 201 <i>P. Vanale</i>	Date 11 Oct 00
Signature of Inventor 202 <i>K. Kucera</i>	Date 3 Oct 00
Signature of Inventor 203 <i>Rebecca B. Kucera</i>	Date 12 Oct 00
Signature of Inventor 204 <i>John E. Claus</i>	Date 11 Oct 00
Signature of Inventor 205 <i>Ernest J. B. M.</i>	Date 11 Oct 00
Signature of Inventor 206	Date
Signature of Inventor 207	Date
Signature of Inventor 208	Date
Signature of Inventor 209	Date

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Romualdas Vaisvila Toby E. Claus
Richard D. Morgan Elisabeth A. Raleigh
Rebecca B. Kucera

2. Name and address of receiving party(ies):

Name: New England Biolabs, Inc.

Internal Address: _____

Additional name(s) of conveying party(ies) attached? No

Street Address: 32 Tozer Road

3. Nature of Conveyances:

Assignment Merger
 Security Agreement Change of Name
 Other: _____

October 3, 2000 & October 11, 2000
Execution Date: October 12, 2000

City: Beverly State: MA Zip: 01915

Additional name(s) & address(es) attached? No

4. Application number(s) or patent number(s):

10/3/2000

If this document is being filed together with a new Application, the execution date of the application is: 10/11/2000

10/12/2000

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: one

Name: Gregory D. Williams

New England Biolabs, Inc.

Street Address: 32 Tozer Road

7. Total fee (37 CFR 3.41): \$ 40.00

City: Beverly State: MA Zip: 01915

 Enclosed Authorized to be charged to deposit account

10/10/2000 MAHMED1 00000055 09689343

8. Deposit Account Number: 14-0740

(Attach duplicate copy of this page if paying by deposit account)

04 P:581

40.00 0P

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Gregory D. Williams (Reg. No. 30901)

Name of Person Signing

Signature

10/12/00

Date

Total number of pages comprising cover sheet: one

ASSIGNMENT

We, Romualdas Vaisvila, Richard D. Morgan, Rebecca B. Kucera, Toby E. Claus and Elisabeth A. Raleigh, for good and valuable consideration from New England Biolabs, Inc., a Massachusetts Corporation, having its principal place of business in Beverly, Massachusetts, hereinafter called the Assignee, receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title, and interest in, to and under an application for Letters Patent of the United States Serial No. _____, signed by me on uneven date herewith for improvements in **METHOD FOR CLONING AND PRODUCING THE MSEL RESTRICTION ENDONUCLEASE** including all priority rights ensuing therefrom, and the inventions and any of them therein set forth and described, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor, together with the right to apply for such Letters Patent.

And for the above consideration I agree promptly upon request of the Assignee, its successors or assigns, to execute and deliver without further compensation any power of attorney, assignment, application, whether original, divisional, continuation or reissue, or other papers which may be necessary or desirable to secure to the Assignee, said application and all patent rights therein, in the United States and in any country foreign thereto.

IN WITNESS THEREOF, I, Romualdas Vaisvila, hereunder set my hand and seal this 11 day of October, 2000, and I, Richard D. Morgan, hereunder set my hand and seal this 3rd day of October, 2000, and I, Rebecca B. Kucera, hereunder set my hand and seal this 12 day of October, 2000, and I, Toby E. Claus, hereunder set my hand and seal this 11 day of October, 2000, and I, Elisabeth A. Raleigh, hereunder set my hand and seal this 11th day of October, 2000.

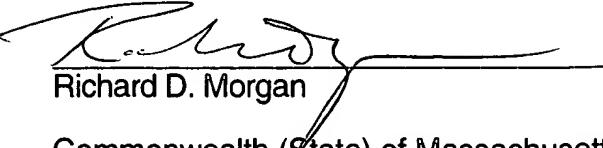
R. Vaisvila

Romualdas Vaisvila

Commonwealth (State) of Massachusetts
County of Essex, ss.

Before me personally appeared said Romualdas Vaisvila and acknowledged the foregoing instrument of assignment to be [her] his free act and deed this 11 day of October, 2000.

Notary Public


Richard D. Morgan

Commonwealth (State) of Massachusetts
County of Essex, ss.

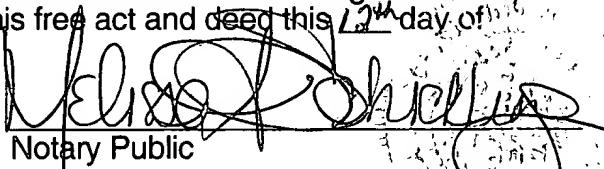
Before me personally appeared said Richard D. Morgan and acknowledged the foregoing instrument of assignment to be [her] his free act and deed this 3rd day of October, 2000.


Melissa A. Shickling
Notary Public


Rebecca B. Kucera

Commonwealth (State) of Massachusetts
County of Essex, ss.

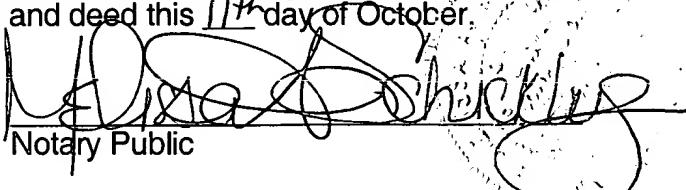
Before me personally appeared said Rebecca B. Kucera and acknowledged the foregoing instrument of assignment to be [her] his free act and deed this 12th day of October, 2000.


Melissa A. Shickling
Notary Public


Toby E. Claus

Commonwealth (State) of Massachusetts
County of Essex, ss.

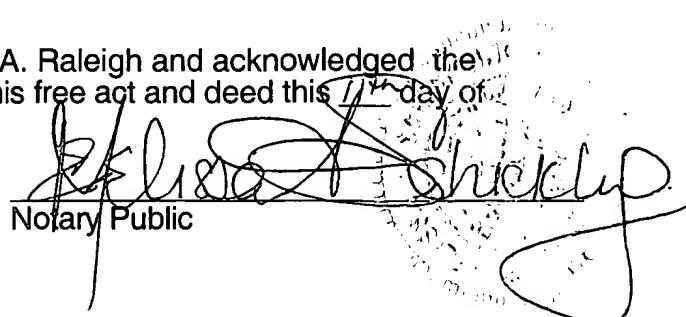
Before me personally appeared said Toby E. Claus and acknowledged the foregoing instrument of assignment to be [her] his free act and deed this 11th day of October, 2000.


Melissa A. Shickling
Notary Public


Elisabeth A. Raleigh

Commonwealth (State) of Massachusetts
County of Essex, ss.

Before me personally appeared said Elisabeth A. Raleigh and acknowledged the foregoing instrument of assignment to be [her] his free act and deed this 11th day of October, 2000.


Melissa A. Shickling
Notary Public